

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PARAGON PET PRODUCTS EUROPE B.V.,

Plaintiff,

v.

MARS, INCORPORATED and THE NUTRO  
COMPANY,

Defendants.

15 Civ. 5520 (PAE)

ECF Case

**DEFENDANTS' NOTICE OF MOTION  
TO DISMISS FIRST AMENDED AND  
SUPPLEMENTAL COMPLAINT**

**PLEASE TAKE NOTICE THAT**, upon the accompanying memorandum of law, and the declaration and exhibits annexed thereto, all submitted herewith, and upon all prior papers and proceedings in this matter, Defendants Mars, Incorporated and The Nutro Company, by and through their undersigned counsel, will move this Court, before the Honorable Paul A. Engelmayer, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, Courtroom 1305, at such date and time as shall be set by the Court, to dismiss Causes of Action 2 through 6 in Plaintiff Paragon Pet Products Europe B.V.'s First Amended and Supplemental Complaint (Dkt. 94) under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

Dated: October 7, 2015

Respectfully submitted,

/s/ David M. Horniak

Dane H. Butswinkas (*pro hac vice*)

Thomas G. Hentoff (*pro hac vice*)

Richmond T. Moore (*pro hac vice*)

Katherine M. Turner (*pro hac vice*)

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